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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Roland Brunner et al.

Group Art Unit: 1722

Examiner: Matthew J. Song

Serial No.: 09/425,694

Filed: October 22, 1999

For: PROCESS FOR THE WET CHEMICAL TREATMENT OF SEMICONDUCTOR WAFERS

Attorney Docket No.: WSAG 0148 PUS

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is in response to the Examiner's Answer mailed on November 3, 2005 for the above-identified patent application.

Appellants respectfully provide the following analysis related to the Examiner's Answer. The Examiner continues to misinterpret the prior art by manipulating its teachings to match his rejection. Specifically, the Examiner inappropriately trivializes the differences between the present invention and the teachings of Verhaverbeke:

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January 3, 2006	James W. Proscia	
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> The Examiner disagrees with this assertion because the hydrochloric acid in the DI rinse, taught by Verhaverbeke, is explicitly taught to contain HC1 in a minute concentration and Verhaverbeke specifically **teaches the primary goal of the rinsing fluid is to remove chemicals or reaction products from the surface of electronic components, and not to perform some "reactive process"** (column 5, lines 1-17).
>
> Examiner's Answer (emphasis added)

Once any amount of hydrochloric acid is added to deionized water, it ceases to be deionized water by definition. Deionized water is characterized by having a high electrically resistance because of the extremely low ion concentration. Clearly, although a "minute" amount of HCl is added to the rinse in Verhaverbeke, this amount is not de minimis since it is sufficient "to prevent, for example, metallic deposition on the surface of the electronic component precursors." (Verhaverbeke, col. 5, ll. 5-9). Such a solution can no longer be referred to as a DI rinse. It is only the Examiner that makes this unreasonable assertion as Verhaverbeke calls it an "aqueous solution." Accordingly, as set forth in Appellants' Brief, independent claims 1 and 11 along with dependent claims 2-9 are patentable over *Pirooz et al* and *Verhaverbeke et al.* whether considered individually or in combination under 35 U.S.C. 103(a).

The Examiner's rejections of claims 1-9 and 11-15 are clearly done in hindsight. For example, the Examiner concedes that two modifications of Pirooz are necessary to transform that reference into the present invention:

> **Two modifications to Pirooz**, which would have been obvious to a person of ordinary skill in the art at the time of invention in view of Verhaverbeke, are necessary to arrive at appellant's invention.
>
> Examiner's Answer (emphasis added)

The necessity to supply two missing elements by obviousness make it evident that the Examiner is relying on hindsight to selectively cull components "from the prior art to fit the parameters" of the present invention. The Federal Circuit has consistently made it clear that this is not permissible without "a teaching or suggestion within the prior art, or within the general knowledge of a person of ordinary skill in the field of the invention, to look to particular sources of information, to select particular elements, and to combine them in the way they were combined by the inventor." *ATD Corporation v. Lydall*, Inc., 48 USPQ 2d 1321, 1329 (Fed. Cir. 1998). Such a teaching to **simultaneously** make the two modifications urged by the Examiner are presently lacking.

Accordingly, for the reasons set forth above and in Appellants' Brief, claims 1-9 and 11-15 are patentable over the cited art.

Respectfully submitted,

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By: _____

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Date: January 3, 2006

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